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BONNEVILLE INTERNATIONAL CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FRED R. MASSIE,)	Case No. 06-1568 PJH
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER REMOVING CASE FROM
v.)	EARLY NEUTRAL EVALUATION
)	PROGRAM AND REASSIGNING CASE
BONNEVILLE INTERNATIONAL)	TO MEDIATION
CORPORATION, DOES 1 through 50 inclusive,)	
)	
Defendants.)	

On July 24, 2006, the Court entered a Stipulation and Order Selecting ADR Process, referring this matter to Early Neutral Evaluation (ENE). The Court held a Case Management Conference in this matter on July 27, 2006. Subsequently, Dirk M. Schenkkan, Esq. was appointed as the Early Neutral Evaluator. Mr. Schenkkan held a telephone conference with

counsel for the parties on August 10, 2006 to schedule the ENE and discuss related matters. On August 14, 2006, the Court issued a further Stipulation and Order Regarding Date for Completing Early Neutral Evaluation Process, which ordered that the parties may conduct the ENE on October 10, 2006 and complete the ENE process by October 25, 2006.

During the August 10, 2006 conference call with Mr. Schenkkan, counsel for the parties requested that the ENE be converted to a mediation. Mr. Schenkkan so agreed, and thereafter notified the ADR Case Administrator, Claudia Forehand, of that agreement. By email of August 22, 2006, Ms. Forehand requested that counsel notify the Court of their intentions and file a stipulation and proposed order removing the case from the ENE program and reassigning the case to mediation under the ADR Local Rules.

Consequently, the parties request that the Court remove the case from the ENE program and reassign it to mediation under the ADR Local Rules, such mediation to be conducted by Dirk M. Schenkkan, Esq. on October 10, 2006 and completed, if necessary, by October 25, 2006.

DATED: August 22, 2006

LAW OFFICE OF SAMUEL B. RUDOLPH

By: /s/ Samuel B. Rudolph
SAMUEL B. RUDOLPH
Attorney for Plaintiff FRED R. MASSIE

DATED: August 22, 2006

DAVIS WRIGHT TREMAINE LLP
STUART W. MILLER

By: /s/ Stuart W. Miller
STUART W. MILLER
Attorneys for Defendant BONNEVILLE
INTERNATIONAL CORPORATION

[PROPOSED] ORDER

Pursuant to the Stipulation above, this action is hereby removed from the ENE program and reassigned to mediation pursuant to the ADR Local Rules, such mediation to be conducted by Dirk Schenkkan, Esq. on October 10, 2006 and completed, if necessary, by October 25, 2006.

IT IS SO ORDERED.

DATED: August 29, 2006

HONORABLE
UNITED STATES JUDGE
Judge Phyllis J. Hamilton

